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PATENT  
ATTORNEY DOCKET NO.: 047763-5010

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of : Carol MORRIS et al. )  
U.S. Application No.: 09/367,009 )  
Filed: August 6, 1999 )  
For: DIAGNOSIS OF DISEASE USING TEARS )

Group: Unassigned

Examiner: Unassigned

**BOX PCT**

Assistant Commissioner for Patents  
Washington, D.C. 20231

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS  
UNDER 35 USC 371 IN THE U.S. DESIGNATED/ELECTED OFFICE (DO/EO/US)**

1. This replies to the Notification of Missing Requirements (Form PTO/DO/EO/905) mailed September 8, 1999.

A copy of the Notification of Missing Requirements (Form PTO/DO/EO/905) is enclosed.

2. Declaration Or Oath

☒ [X] No declaration or oath was filed. Enclosed is the original Combined Declaration and Power of Attorney.

☐ [ ] The specification attached to the declaration is a copy of the specification and any amendments thereto which were filed in the PTO to obtain the filing date.

☐ [ ] The declaration or oath which was filed was determined to be defective. A new original Combined Declaration and Power of Attorney is attached.

## 3. English Translation of Non-English Language Papers

☐ Submitted herewith is a verified English translation of the non-English language application papers as originally filed. It is requested that this translation be used as the copy for examination purposes in the PTO.

☐ Also enclosed is the Verification of Translation Document

## 4. Small Entity Statement(s)

☐ Verified Statement(s) that this is a filing by a small entity

☐ is attached

☐ was filed on \_\_\_\_\_.

## 5. Fee Calculation

			Basic Fee: PCT Application-\$840.00	\$840.00
	Number Filed	Number Extra	at a Rate of	
Total Claims	-20 =		\$18.00 each =	+\$0.00
Independent Claims	- 3 =		\$78.00 each =	+\$0.00
Multiple dependent claim(s), if any			\$260.00	+\$0.00
Missing Requirements Surcharge Fee			\$130.00	\$130.00
SUB-TOTAL =				\$130.00
Fee For Application Filed With A Non-English Specification (37 CFR 1.17(k) and 1.52(d))			\$130.00	+ \$00
Fee For Processing and retention of application (37 CFR 1.21(l) and 1.53(d))			\$130.00	+
TOTAL FILING FEE =				\$130.00

## 6. Extension of Time

The proceedings herein are for a patent application and the provisions of 37 CFR 1.136(a) apply.

☒ Applicant petitions for an extension of time, the fees for which are set out in 37 CFR 1.17(a)-(d), for the total number of months checked below:

<u>Total months requested</u>	<u>Fee for extension</u>	<u>[fee for Small Entity]</u>
<input checked="" type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$200.00
<input type="checkbox"/> three months	\$ 950.00	\$475.00
<input type="checkbox"/> four months	\$1,510.00	\$755.00

Extension of time fee due with this request: \$110.00

If an additional extension of time is required, please consider this a Petition therefor.

☐ Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

## 7. Fee Payment

The total fee due is:	Completion Fees	<u>\$130.00</u>
	Extension Fees	<u>\$110.00</u>
	Total Fee Due	<u>\$240.00</u>

☐ Enclosed is one check in the amount of \$\_\_\_\_\_ representing Missing Parts Surcharge and a one-month extension of time fee.

☒ Please charge our Deposit Account No. 50-0310 in the amount of \$240.00 for the Missing Requirement filing fee and for the one-month extension of time fee.

[X] **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R §1.16 and §1.17 which may be required, or credit any overpayment to Deposit Account No. 50-0310.

8. Additional papers enclosed.

- [ ] Preliminary Amendment
- [ ] PCT/IB/338 English translation of the International preliminary Examination Report
- [ ] Information Disclosure Statement
- [ ] Form PTO-1449, \_\_\_\_\_ as listed
- [ ] Declaration of Biological Deposit
- [ ] Submission of "Sequence Listing", computer readable copy and/or amendment pertaining thereto for biotechnology invention containing nucleotide and/or amino acid sequence.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**



Elizabeth C. Weimar

Reg. No. 44,478

Date: November 8, 1999

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